

Application No. 09/921,107
Amendment dated November 30, 2006
Reply to Office Action of May 31, 2006

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REMARKS

Applicant cancelled claims 15-18 without prejudice or disclaimer of their subject matter.

In the Office Action, the Examiner required a restriction under 35 U.S.C. §121 between Group I: claims 7-14, 19-27, and 32-37 and Group II: claims 15-18. Applicant elects to prosecute Group I, claims 7-14, 19-27, and 32-37. Claims 15-18 directed to a non-elected invention have been cancelled from this application.

The Examiner objected to the specification under 35 U.S.C. § 132(a) on the grounds that amendment filed January 26, 2006 introduced new matter into the disclosure; and rejected claims 7-14, 19-27 and 32-37 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses the Examiner's new matter and written description requirement objections. The Specification fully supports the step of "the controlled access to the digital media content of said one or more associated sub-accounts not being limited to a subset of the controlled access to the digital media content of said main account" as recited in independent claim 7; the step of "the controlled access to the digital media content available to the linked sub-account not being limited to a subset of the controlled access to the digital media content of the primary account" as recited in independent claim 19; and the step of the "sub-accounts to have greater access to the digital media content than the main account" as recited in dependent claim 36. As set forth in the original disclosure as filed, the content "restrictions may be imposed on the HoH account as a whole, or selectively amongst one or more family member accounts and/or the HoH account." (Specification, page 6, line 24 through page 7, line 1. (emphasis added)). Similarly, "viewing restrictions may be established for the HoH account as a whole, or selectively amongst family member accounts and/or the HoH account." (Specification, page 7, lines 7-9. (emphasis added)). Moreover, claim 20 dependent from independent claim 19, as originally filed recites that the "step of imposing restrictions includes the sub-step of imposing restrictions selectively among the primary account and the sub-account." It is submitted that the objection to the

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specification under 35 U.S.C. § 132(a) the rejection of claims 7-14, 19-27 and 32-37 under 35 U.S.C. § 112, first paragraph, has been overcome.

The Examiner rejected claims 7-14 and 19-27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,163,272 to Goode et al. ("Goode"); and rejected claims 13, 14 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Goode in view of U.S. Patent No. 6,178,407 to Lotvin et al. ("Lotvin").

Independent claim 7 recites a system for controlling access to digital media content by a user, the system comprising "a computer processor programmed to selectively restrict access to the digital media content by said main accounts and said sub-accounts...the controlled access to the digital media content of said one or more associated sub-accounts not being limited to a subset of the controlled access to the digital media content of said main account." Independent claim 19 recites a method for creating an account for an account holder to view digital media content, the method comprising the step of "providing an option for the primary account to control access to the digital media content available to the primary account and the sub-account linked to the primary account, the controlled access to the digital media content available to the linked sub-account not being limited to a subset of the controlled access to the digital media content of the primary account." No such structure or method is taught or suggested by Goode.

Goode discloses an apparatus and method for managing the personal identification numbers of customers and customer authorization access to an interactive information distribution system. In his rejection, the Examiner relies on column 2, lines 60-63 of Goode which states "...viewing at only certain times of day, and the like. In addition, each household member can be given a PIN that has restricted spending such that each household member can only purchase a certain number of movies per month." (Goode, col. 2, lines 60-63; and Office Action, page 5, lines 9-11.) There is no mention in the citation to Goode relied upon by the Examiner to reject the claims for a system and method as recited in Applicant's claimed invention. It is submitted that the rejection under 35 U.S.C. § 102(e) has been overcome.

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Applicant submits that the rejections under 35 U.S.C. § 103(a) of claims 13, 14 and 27 are rendered moot at least because they depend from an allowable independent claim, or claims dependent therefrom.

Applicant submits that independent claims 7 and 19 are patentable and that dependent claims 8-14, 20-27, and 32-37 dependent from independent claim 7 or 19, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: November 30, 2006

By: _____


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